

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	§	Group Art Unit: <b>2168</b>
<b>James Blair Chapman.</b>	§	
	§	
Serial No.: <b>10/735,026</b>	§	
	§	Examiner: <b>Hung Q. Pham</b>
Filing Date: <b>12/12/2003</b>	§	
	§	
Title: <b>Row Redistribution in a Relational Database Management System</b>	§	
	§	Attorney, Docket No. <b>11235</b>

**MAIL STOP AF**  
 Commissioner for Patents  
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## CERTIFICATE OF FILING ELECTRONICALLY VIA EFS 37 CFR 1.8

I HEREBY CERTIFY THAT I HAVE A REASONABLE BASIS FOR BELIEF THAT THIS CORRESPONDENCE IS BEING SUBMITTED TO THE UNITED STATES PATENT AND TRADEMARK OFFICE VIA EFS (ELECTRONICALLY) ON THE DATE INDICATED BELOW, AND IS ADDRESSED TO:

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/Howard L. Speight/ Reg. No. 37,733  
 Howard L. Speight

**DATE OF SUBMISSION: JULY 18, 2007**  
**ELECTRONIC FILING (EFS)**

## PRE-APPEAL BRIEF REQUEST FOR REVIEW

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reasons stated on the attached sheets.

Respectfully submitted,

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Date: July 18, 2007

### Reasons for Review

Claims 1-26 are pending and stand rejected. A Final Office Action issued on April 19, 2007. Applicant responded on June 18, 2007. An Advisory Action issued on June 27, 2007.

Applicant acknowledges the withdrawal of the rejection of claims 1-26 under 35 USC § 101.

**1. The Ross reference teaches away from the claims of the instant application because Ross teaches skipping the buffering step if the number of records to be read from the input table is smaller than available memory**

The Final Office Action rejected claims 1-26 under 35 USC 102 over Ross and under 35 USC 103 over a combination of Ross and another element. Applicant responded. The Advisory Action rejected Applicant's argument without comment and reasserted the same argument made in the Final Office Action. Applicant believes the position taken in the Final Office Action is clearly erroneous, as set out below.

The Final Office Action argued that Ross's creation of a number of buffers and storing records in those buffers corresponds to the many-rows method to redistribute the one or more rows, as required in claims 1, 10, and 18. Ross stores selected records in buffers. The number of buffers "is determined by the total number and size of the unique selected records to be read from each input table," Ross, col. 5, lines 13-15, and the size of available main memory. Ross, col. 5, lines 17-20. From this, it is clear that Ross contemplates storing selected records in more than one buffer.

The Final Office Action argues that Ross suggests a single buffer when it discusses "in some cases, tables of data will be very small relative to the amount of main memory" and that "[i]f two relatively small tables are joined together, and if the total size of the records to be read is less than the size of the available memory, only one buffer is allocated and the RAM will not be partitioned." Office Action at 6. The Final Office Action equates that circumstance to the steps required in claims 1, 11 and 18. However, Ross does not once in the discussion in columns 5 and 6 mention the possibility of having only a single buffer. If the number of records to be read from the input tables is smaller than available main memory it is more likely that Ross would just skip the buffering step entirely.

That is exactly what happens in the example cited in the Office Action from column 1. In that example, the entire table is read into main memory; no buffering occurs. Ross, col. 1, lines 39-45. Thus, Ross teaches away from the claims of the instant application because it teaches skipping the buffering step.

Therefore, Ross does not teach or suggest the following limitations required by claims 1, 11, and 18: if the allocated buffer is larger than the one or more rows, storing one or more rows of a database table in the allocated buffer and communicating a message to the one or more destination processing modules, the message comprising at least some of the one or more rows

stored in the allocated buffer. This is because, under Ross, if the total size of the records to be stored is large relative to the available memory, the records will be stored in more than one buffer, not the allocated buffer required by claims 1, 11, and 18. Further, under Ross, if the total size of the records to be stored is smaller than the available memory, the buffering step will be skipped entirely and the one or more rows will not be stored in the allocated buffer as required by claims 1, 11, and 18. Thus, Ross does not satisfy this step of claims 1, 11, and 18.

Further, Ross does not teach executing a few-rows redistribution method to redistribute the one or more rows, as required by claim 10. An example of a few-rows distribution method is described in the specification in Fig. 6 and in the accompanying text. Ross does not teach or suggest such a method. Thus, claims 1, 10, 11, and 18 are not anticipated by Ross or obvious in view of Ross. Further, the Office Action does not argue that the missing element is obvious in view of Ross, and, as discussed above, Ross teaches away from the missing element. Therefore, the remaining claims (2-9, 12-17, and 19-26) are patentable over Ross. Applicant respectfully requests that the rejections of claims 1-26 under 35 USC 102 and 103 be withdrawn.